

REMARKS

Reconsideration of this application is requested.

Claim 1 and Claim 3 were objected to as having insufficient antecedent basis for the limitation "said cross arms". Claims 1 and 3 have been amended to overcome this objection. Claims 2-6 were objected to for having insufficient antecedent basis for the limitation in the claims. The examiner suggested amending the claim and such amended was accepted for Claims 3, 4 and 5 and the claims so amended. Claim 2 and Claim 6 were cancelled.

Claim 8 was rejected as being indefinite for failing to particularly point out distinctively the subject matter which applicant regarded as the invention. Specifically, this space in the phrase "wherein the space of said housings" was unclear. Claim 8 has been amended to insert "between" in place of "of" between "space" and "said".

Claims 1, 2, 6, 7 and 10 were rejected under 35 U.S.C. 102(a) as being anticipated by Raptor Guard 2004. Claims 2, 6 and 10 have been cancelled.

Claims 1 and 7 have been amended. The Raptor Guard 2004 is entirely different than the present invention in that the Raptor Guard 2004 sits on top of the cross-arms and will not be screwed into the sides of the cross-arms. In addition to the extent that the two and one half inch portion of the Raptor Guard 2004 could be considered to be a side, it cannot be screwed into the cross-arms because of its shape and angle in which it sits in respect to the cross-arms. To the extent that it could be considered the top, then there are no sides to the Raptor Guard 2004.

In addition to the extent that the three and a half inch portion and the two and a half inch portion can be considered to be the top it is not at a continuous angle throughout the top. The support for the amended claims is contained in the specification and specifically in Figure 4 angle 32 sets out the support for the angled top being of at least a 45° degree angle.

Claims 1, 3, 7 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa (Japanese abstract 09028267A) ('267). Ogawa '267 does not have a continuous smooth surface and does not appear to be at a continuous angle throughout the entire top of Ogawa '267. Thus the claims as amended are not anticipated by Ogawa '267.

Claims 1 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa at all (Japanese abstract 09028268A) ('268) which has an extended portion that sits on the top of the cross-arms which would allow raptors to nest thereon. It is unlikely it would be effective and it is not a continuous smooth surface and the slope top does not have a slope at a continuous angle throughout the entire top portion. While it is rounded, the entire portion is rounded and the equivalent angle would be less than 45° degrees. The claims as amended are not anticipated by Ogawa '268.

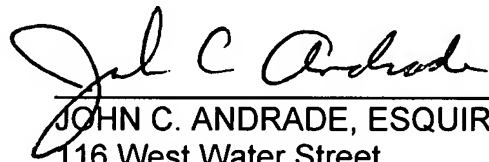
Claims 4 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Raptor Guard 2004. Claims 1 and 7 upon which Claims 4 and 9 depend have been amended to overcome the rejections based on Raptor Guard 2004 and Ogawa '267 and Ogawa '268. In addition, Raptor Guard 2004 does not disclose

a housing out of clear plastic and given the structure of Raptor Guard 2004, the advantages would not be the same as they would be for the present invention.

The claims as amended, overcome the rejections and allowance of the claims as amended is requested.

Respectively submitted,

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A handwritten signature in black ink, appearing to read "John C. Andrade", is written over a horizontal line.

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